

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SOULEMA SAGNE,

Docket Number:

Plaintiff,

**NOTICE OF REMOVAL**

- against -

SHIRLEY EXPRESS LLC and RICHARD J. CANTOS,

Defendants.  
-----X

**PLEASE TAKE NOTICE** that Defendant SHIRLEY EXPRESS LLC and RICHARD J. CANTOS hereby removes the civil action entitled Soulema Sagne v. Shirley Express LLC and Richard J. Cantos, Index Number 155708/2018 from the Supreme Court of the State of New York, County of New York, where it is now pending to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

Dated: New York, New York  
January 15, 2019

Yours etc.,  
GALLO VITUCCI KLAR LLP



By: Bryan T. Schwartz, Esq.  
*Attorneys for Defendants*  
*Shirley Express LLC and Richard J. Cantos*  
90 Broad Street, 12th Floor  
New York, New York 10004  
(212) 683-7100  
Our File No.: NAVT-2018-30

TO:

Adam S. Bernstein, Esq.  
BUDIN, REISMAN, KUPFERBERG  
& BERNSTEIN, LLP  
*Attorneys for Plaintiff*  
*Soulema Sagne*  
112 Madison Avenue  
New York, New York 10016  
(212) 696-5500

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SOULEMA SAGNE,

Docket Number:

Plaintiff,

**PETITION FOR REMOVAL**

- against -

SHIRLEY EXPRESS LLC and RICHARD J. CANTOS,

Defendants.  
-----X

TO: JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

The Petition of Bryan T. Schwartz respectfully shows as follows:

1. That the undersigned counsel for defendant Shirley Express LLC and Richard J. Cantos hereby remove the civil action entitled Soulema Sagne v. Shirley Express LLC and Richard J. Cantos, Index Number 155708/2018, from the Supreme Court of the State of New York, County of New York, where it is now pending to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

2. This action was commenced by the filing of a Summons and Complaint dated June 13, 2018. Issue was joined by the service of an Answer on behalf of Defendant on August 15, 2018. Copies of the Summons and Complaint and Answer are collectively annexed hereto as **Exhibit A**.

3. That the causes of action set forth in the Complaint seeks money damages for personal injuries and loss of services.

4. In the Complaint, Plaintiff Soulema Sagne ("Plaintiff") seeks money damages for personal injuries resulting from an alleged accident that took place on or about July 21, 2017 at the intersection of West 16<sup>th</sup> Street and 11<sup>th</sup> Avenue in the County, City and State of New York.

5. Plaintiff Soulema Sagne is a natural person who is a resident and citizen of New York County, State of New York.

6. Defendant Shirley Express is a limited liability company duly registered in the County of Essex, State of New Jersey.

7. Defendant Ricardo Cantos is a resident of Middlesex County, in the State of New Jersey.

8. Plaintiffs' Summons and Complaint did not contain a statement of damages, pursuant to N.Y. C.P.L.R. § 3017. Accordingly, the thirty-day deadline did not begin upon the filing of the Complaint. See 28 U.S.C. §1446(b)(3).

9. On November 15, 2018, along with its Answer, Defendant served Plaintiffs with multiple discovery demands including a demand for a statement of damages pursuant to N.Y. C.P.L.R. § 3017. See Exhibit B.

10. On January 5, 2019 , this office received, by regular mail, a response to the discovery demands which was dated January 3, 2019. Said responses contained a Response to Combined Demand demanding damages in the amount of \$5,000,000.00 for each cause of action. Attached hereto as Exhibit C is the Plaintiffs' Response to Supplemental Demand.

11. That this action may be removed to this Court by the defendant pursuant to 28 U.S.C. § 1441(c) since Plaintiff's action is a civil action where the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs and is between citizens of different states.

12. As the residence amongst the defendants and the plaintiff establish complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000 exclusive of costs and interest, Defendant Shirley Express LLC and Richard J. Cantos, respectfully removes this action from the Supreme Court of the State of New York County of New York to the United

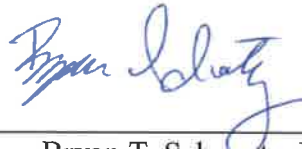
States District Court for the Southern District of New York.

WHEREFORE, Defendant respectfully requests that the action now pending against them in the Supreme Court of the State of New York, County of New York be removed therefrom to this Court.

Dated: New York, New York  
January 15, 2019

Yours etc.,

GALLO VITUCCI KLAR LLP



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By: Bryan T. Schwartz, Esq. (BS-3033)  
*Attorneys for Defendants*  
*Shirley Express LLC and Richard J. Cantos*  
90 Broad Street, 12th Floor  
New York, New York 10004  
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TO: Adam S. Bernstein, Esq.  
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